

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

COPPER SANDS HOMEOWNERS  
ASSOCIATION, INC., *et al.*,

Plaintiff,

vs.

COPPER SANDS REALTY, LLC, *et al.*,

Defendants.

Case No.: 2:10-cv-00510-GMN-NJK

**ORDER**

Pending before the Court is the Motion for District Judge to Reconsider (ECF No. 575) filed by Plaintiff Copper Sands Homeowners Association, Inc. (“Plaintiff”). Defendant Cannon Management Company (“Cannon”) filed a Response (ECF No. 578) and Plaintiff filed a Reply (ECF No. 581).

Rule IB 3-1(a) of the Local Rules of Practice of the United States District Court for the District of Nevada provides that “[a] district judge may reconsider any pretrial matter referred to a magistrate judge . . . , where it has been shown that the magistrate judge’s ruling is clearly erroneous or contrary to law.” D. Nev. R. IB 3-1(a); *see also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a). Pursuant to Local Rule IB 3-1(b), a “district judge may affirm, reverse, or modify, in whole or in part, the ruling made by the magistrate judge,” and “may also remand the same to the magistrate judge with instructions.” *See also* 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72(a).

The Court has reviewed Judge Johnston’s Order (ECF No. 572) granting Defendant Cannon Management Company’s Motion to Set Aside Plaintiff’s Assertion of Attorney Client Privilege (ECF No. 559), and finds that the Magistrate Judge failed to apply controlling case law from the Nevada Supreme Court on the issue of an “at-issue waiver” of the attorney-client

1 privilege. *See Wardleigh v. Second Judicial Dist. Court In & For Cnty. of Washoe*, 891 P.2d  
2 1180, 1186-87 (Nev. 1995). Accordingly, the Court grants Plaintiff's Motion for  
3 Reconsideration and refers this issue to Magistrate Judge Koppe for reconsideration of  
4 Defendant's Motion to Set Aside Plaintiff's Assertion of Attorney Client Privilege in light of  
5 the standard announced by the Nevada Supreme Court in *Wardleigh v. Second Judicial Dist.*  
6 *Court In & For Cnty. of Washoe*, 891 P.2d 1180 (Nev. 1995).

7 **CONCLUSION**

8 **IT IS HEREBY ORDERED** that the Motion for District Judge to Reconsider (ECF No.  
9 575) is **GRANTED**. The Court hereby refers this matter to Magistrate Judge Koppe for  
10 reconsideration of Defendant's Motion to Set Aside Plaintiff's Assertion of Attorney-Client  
11 Privilege in light of the standard announced by the Nevada Supreme Court in *Wardleigh v.*  
12 *Second Judicial Dist. Court In & For Cnty. of Washoe*, 891 P.2d 1180 (Nev. 1995).

13 **DATED** this 18th day of September, 2013.

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17 Gloria M. Navarro  
18 United States District Judge  
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